

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN ROBERT C. CLARK**, on January 22, 1999
at 7:00 A.M., in Room 312 - 1 Capitol.

ROLL CALL

Members Present:

Rep. Robert C. Clark, Chairman (R)
Rep. Dan McGee, Vice Chairman (R)
Rep. Diana Wyatt, Vice Chairman (D)
Rep. Chris Ahner (R)
Rep. Shiell Anderson (R)
Rep. Paul Clark (D)
Rep. Aubyn A. Curtiss (R)
Rep. Bill Eggers (D)
Rep. Tom Facey (D)
Rep. Steven Gallus (D)
Rep. Gail Gutsche (D)
Rep. Joan Hurdle (D)
Rep. Rick Jore (R)
Rep. Sam Kitzenberg (R)
Rep. Brad Molnar (R)
Rep. Mark Noennig (R)
Rep. Jim Shockley (R)
Rep. Loren Soft (R)
Rep. Carol Williams (D)
Rep. Cindy Younkin (R)

Members Excused: None.

Members Absent: None.

Staff Present: John MacMaster, Legislative Branch
Pam Schindler, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing Date: 1/22/1999HB 292, HB 293, HB283, HB261
SB 24

Date Posted: 1/18/1999

Executive Action: HB203-Do Pass as Amended
HB 149-Do Pass as Amended
HB 47-Do Pass as Amended
SB 6-Be Concurred
HB 214-Do Pass
HB 283-Do Pass
HB's-235,261 and SB 32 Tabled

EXECUTIVE ACTION ON HB 214

Motion/Vote: REP. MCGEE moved that HB 214 BE PASSED. Motion carried unanimously.

(Rep. Williams and Eggers absent during this action)

{Tape : 1; Side : A; Approx. Time Counter : 0 - 105}

EXECUTIVE ACTION ON HB 235

Motion/Vote: REP. YOUNKIN moved that HB 235 BE AMENDED. Motion carried 14-4.

Motion/Vote: REP. MOLNAR moved that HB 235 BE TABLED. Motion carried 11-7 with Ahner, Clark, Curtiss, Kitzenberg, McGee, Shockley, and YOUNKIN voting no.

(Rep. Williams and Eggers absent during this action)

{Tape : 1; Side : A; Approx. Time Counter : 105 - 246}

EXECUTIVE ACTION ON SB 6

Motion/Vote: REP. YOUNKIN moved that SB 6 BE CONCURRED IN. Motion carried 17-1 with Jore voting no.

(Rep. Williams and Eggers absent during this action)

{Tape : 1; Side : A; Approx. Time Counter : 246 - 426}

EXECUTIVE ACTION ON HB 47

Motion/Vote: REP. ANDERSON moved that HB 47 BE AMENDED. Motion carried 17-1 with Molnar voting no.

EXHIBIT (juh17a01)

Motion/Vote: REP. YOUNKIN moved that HB 47 BE PASSED AS AMENDED.
Motion carried unanimously.

(Rep. Williams and Eggers absent during this action)

{Tape : 1; Side : A; Approx. Time Counter : 426 - 550}

{Tape : 1; Side : B; Approx. Time Counter : 0 - 33}

EXECUTIVE ACTION ON HB 203

Motion: REP. GALLUS moved that HB 203 BE PASSED.

Motion/Vote: REP. SHOCKLEY moved that HB 203 BE AMENDED. Motion carried 17-1 with Molnar voting no.

Motion: REP. YOUNKIN moved that HB 203 BE PASSED AS AMENDED.

Substitute Motion: REP. MOLNAR made a substitute motion HB 203.
Substitute Motion failed.

Motion/Vote: REP. SHOCKLEY moved that HB 203 BE PASSED AS AMENDED. Motion carried 15-3 with Jore, McGee, and Molnar voting no.

(Rep. Williams and Eggers absent during this action)

EXHIBIT (juh17a0

2)

{Tape : 1; Side : B; Approx. Time Counter : 33 - 233}

There was a break for committee members; Chairman Robert Clark called the meeting back to order and went over the witness testimony rules.

{Tape : 1; Side : B; Approx. Time Counter : 233 - 298}

HEARING ON HB 292

Sponsor:

Rep. Mangan presented HB 292.

{Tape : 1; Side : B; Approx. Time Counter : 298 - 368}

Proponents:

Bill Fleiner, Montana Sheriffs and Peace Officers Association

{Tape : 1; Side : B; Approx. Time Counter : 368 - 397}

Greg Sukut, Great Falls Housing Authority

{Tape : 1; Side : B; Approx. Time Counter : 397 - 434}

Jerry Williams, Montana Police Protective Association and Butte Housing Authority

{Tape : 1; Side : B; Approx. Time Counter : 434 - 458}

Jeff Beecroft, Great Falls Police Dept.

{Tape : 1; Side : B; Approx. Time Counter : 458 - 494}

Opponents:

Scott Crichton, ACLU

{Tape : 1; Side : B; Approx. Time Counter : 494 - 550}

{Tape : 2; Side : A; Approx. Time Counter : 0 - 24}

EXHIBIT (juh17a0

3)

Informational Testimony:

None

Questions from Committee Members and Responses:

{Tape : 2; Side : A; Approx. Time Counter : 24 - 476}

Closing by Sponsor:

Rep. Managan made closing statements.

{Tape : 2; Side : A; Approx. Time Counter : 476 - 550}

HEARING ON HB 293

Sponsor:

Rep. Mangan presented HB 293.

{Tape : 2; Side : A; Approx. Time Counter : 476 - 550}

Proponents:

Greg Sukut, Great Falls Housing Authority

{Tape : 2; Side : B; Approx. Time Counter : 0 - 23}

Bill Fleiner, Montana Sheriffs and Peace Officers Association

{Tape : 2; Side : B; Approx. Time Counter : 23 - 27}

Jeff Beecroft, Great Falls Police Dept.

{Tape : 2; Side : B; Approx. Time Counter : 27 - 47}

Jerry Williams, Butte Housing Authority

{Tape : 2; Side : B; Approx. Time Counter : 47 - 64}

Opponents:

Elizabeth Brenneman, ACLU

{Tape : 2; Side : B; Approx. Time Counter : 64 - 96}

EXHIBIT (juh17a04)

Informational Testimony:

None

Questions from Committee Members and Responses:

{Tape : 2; Side : B; Approx. Time Counter : 96 - 287}

Closing by Sponsor:

Rep. Mangan made closing statements

{Tape : 2; Side : B; Approx. Time Counter : 287 - 348}

EXHIBIT (juh17a0

5)

HEARING ON HB 283

Sponsor:

Rep. Younkin presented HB 283.

{Tape : 2; Side : B; Approx. Time Counter : 348 - 408}

Proponents:

None

Opponents:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

{Tape : 2; Side : B; Approx. Time Counter : 408 - 460}

Closing by Sponsor:

Rep. Younkin made closing statements

{Tape : 2; Side : B; Approx. Time Counter : 460 - 481}

HEARING ON HB 261

Sponsor:

Rep. Noenning presented HB 261.

Rep. Younkin requested Executive Action immediately.

Motion/Vote: REP. EGGERS moved that HB 261 BE TABLED. Motion carried 18-2 with Clark and McGee voting no.

{Tape : 3; Side : A; Approx. Time Counter : 0 - 50}

HEARING ON SB 24

Sponsor:

Rep. Nelson presented SB 24.

{Tape : 3; Side : A; Approx. Time Counter : 50 - 74}

Proponents:

David Cybulski, District Judge

{Tape : 3; Side : A; Approx. Time Counter : 74 - 152}

Opponents:

Joe Connell, Montana Probation Officers Association

{Tape : 3; Side : A; Approx. Time Counter : 152 - 282}

EXHIBIT (juh17a0

6)

EXHIBIT (juh17a0

7)

EXHIBIT (juh17a0

8)

Jane McCall, Youth Justice Council

{Tape : 3; Side : A; Approx. Time Counter : 282 - 308}

Allen Horsfal, Board of Crime Control

{Tape : 3; Side : A; Approx. Time Counter : 308 - 550}

Sandy Oitzinger, Juvenile Probation Officer Association

{Tape : 3; Side : B; Approx. Time Counter : 0 - 23}

Informational Testimony:

Bill Fleiner, Montana Sheriffs and Peace Officers Association

{Tape : 3; Side : B; Approx. Time Counter : 23 - 55}

Questions from Committee Members and Responses:

{Tape : 3; Side : B; Approx. Time Counter : 55 - 550}

{Tape : 4; Side : A; Approx. Time Counter : 0 - 117}

Closing by Sponsor:

Rep. Nelson made closing statements.

{Tape : 4; Side : A; Approx. Time Counter : 117 - 149}

EXECUTIVE ACTION ON SB32

Motion: REP. SHOCKLEY moved that SB 32 BE PASSED.

Motion/Vote: REP. SHOCKLEY moved that SB 32 BE AMENDED. Motion failed 1-19.

Motion/Vote: REP. SHOCKLEY moved that SB 32 BE PASSED. Motion failed 9-11 with Ahner, Anderson, Clark, Curtiss, Jore, Kitzenberg, McGee, Molnar, Noennig, Shockley, and Younkin voting no.

Motion: REP. MCGEE moved that SB 32 BE TABLED. Motion carried.

{Tape : 4; Side : A; Approx. Time Counter : 149 - 550}

EXECUTIVE ACTION ON HB 149

Motion/Vote: REP. AHNER moved that HB 149 BE AMENDED. Motion carried unanimously.

Motion/Vote: REP. AHNER moved that HB 149 BE PASSED AS AMENDED. Motion carried 11-9 with Eggers, Gallus, Gutsche, Hurdle, Kitzenberg, Noennig, Soft, Williams, and Wyatt voting no.

EXHIBIT (juh17a0

9)

{Tape : 4; Side : B; Approx. Time Counter : 0 - 135}

EXECUTIVE ACTION ON HB 283

Motion/Vote: REP. MCGEE moved that HB 283 BE PASSED. Motion carried unanimously.

{Tape : 4; Side : B; Approx. Time Counter : 135 - 150}

ADJOURNMENT

Adjournment: 11:15 A.M.

REP. ROBERT C. CLARK, Chairman

PAM SCHINDLER, Secretary

RC/PS

EXHIBIT (juh17aad)